



**U.S. Department of Justice**

*United States Attorney  
Northern District of California*

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San Francisco, California 94102-3495*

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May 5, 2006

Margie McRae  
P.O. Box 24818  
Oakland, CA 94623-1818

Re: Margie McRae v. Social Security Administration, et al.  
Civil Action No. 06-1999 MJJ

Dear Ms. McRae:

We have received a copy of the Complaint in this action from the Social Security Administration. However, you have not properly served the United States or its agencies or employees.

Please note that Rule 4(i), Federal Rules of Civil Procedure, as amended effective December 1, 2000, requires the following:

**(i) Serving the United States, Its Agencies, Corporations, Officers or Employees.**

(1) Service upon the United States shall be effected

(A) by delivering a copy of the summons and of the complaint to the United States Attorney for the district in which the action is brought or to an Assistant United States Attorney or clerical employee designated by the United States Attorney in a writing filed with the clerk of the court or by sending a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States Attorney and

(B) by also sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia, and

(C) in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to the officer or agency.

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(2)(A) Service upon an agency or corporation of the United States, or an officer or employee of the United States sued only in an official capacity, is effected by serving the United States in the manner prescribed by Rule 4(i)(1) and by also sending a copy of the summons and complaint by registered or certified mail to the officer, employee, agency, or corporation.

(B) Service on an officer or employee of the United States sued in an individual capacity for acts or omissions occurring in connection with the performance of duties on behalf of the United States – whether or not the officer or employee is sued also in an official capacity – is effected by serving the United States in the manner prescribed by Rule 4(i)(1) and by serving the officer or employee in the manner prescribed by Rule 4(e), (f), or (g).

(3) The court shall allow a reasonable time to serve process under Rule 4(i) for the purpose of curing the failure to serve:

(A) all persons required to be served in an action governed by Rule 4(i)(2)(A), if the plaintiff has served either the United States Attorney or the Attorney General of the United States, or

(B) the United States in an action governed by Rule 4(i)(2)(B), if the plaintiff has served an officer or employee of the United States sued in an individual capacity.

Please also note that Rule 12(a)(3)(A) and (B), Federal Rules of Civil Procedure, allows the United States or officers or agencies thereof 60 days after service upon the United States Attorney to file an answer or other response to a complaint. The time for a response to the complaint will, therefore, not commence to run until after this office is properly served.

Very truly yours,

Kevin V. Ryan  
United States Attorney

A handwritten signature in black ink, appearing to read 'Jonathan U. Lee', is written over a horizontal line.

JONATHAN U. LEE  
Assistant United States Attorney

Enclosures